IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Bail Application No. 647/2006

Jaideep Singh Negi S/o Jaikrit Singh Negi,
R/o Rani Pokhari, P.S. Rani Pokhari,
District Dehradun …..Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 449 of 1197
U/Ss 364, 302, 201 and 120-B I.P.C.
P.S. Kotdwar,
District Pauri Garhwal.

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 449/1997 U/Ss 364, 302, 201 and 120-B I.P.C., P.S. Kotdwar, District Pauri Garhwal.

Heard Sri Lokendra Dobhal, learned counsel for the applicant, learned A.G.A. and perused the record.

It has come during the investigation that the name of the applicant came in light on the basis of the statement of one Anoop Singh Chauhan. The applicant has categorically stated in his affidavit that the so called witness Anoop Singh Chauhan was in Jail on the date when his statement is allegedly recorded by the Investigating Officer, i.e. on 28-4-1998.

This fact has not been denied by the State in the Counter affidavit, It has been stated in the counter affidavit that Anoop Singh Chauhan was in jail on that day but some other person impersonated himself as Anoop Singh Chauhan and the I.O. recorded his statement.

There is no other clinching evidence connecting the applicant with the commission of the crime as yet, except the so-called person, who impersonated him as Anoop Singh Chauhan.

Having considered the aforesaid circumstances, I think it a fit case for bail at this stage.

Let the applicant Jaideep Singh Negi be released on bail in case crime No. 449/1997, U/Ss 364, 302, 201 and 120-B I.P.C. P.S. Kotdwar, District Pauri Garhwal, on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

Dated: 18-08-2006
ISB

(B.C. Kandpal, J.)

17.08.2006
ASWAL